

**MONTGOMERY COUNTY ETHICS COMMISSION**

**WAIVER**

**June 10, 1998**

**Requested by former employee Robert Hunnicutt**

A former public employee sought a follow-up advisory opinion and, if necessary, a waiver in connection with his employment by Columbia Telecommunications Corporation (CTC) to provide services under its cable TV engineering consulting services contract with Montgomery County.

**Pertinent Facts**

The requestor's initial request did not indicate that he would be providing services in connection with a matter in which he had significantly participated as a public employee. Therefore, the Commission had previously advised that he did not need a waiver to become an employee of CTC or to provide services to Montgomery County, as long as he did not represent CTC in any matter in which he had significantly participated as a Montgomery County employee. Following receipt of that written advice, he advised the Commission of his need to participate in the full range of consultant services being provided by CTC under its cable T.V. engineering consulting services contract with Montgomery County, some of which were in connection with matters in which he had significantly participated as a Montgomery County employee. Therefore, he requested a waiver of §19A-13(a). The Commission denied the request and, subsequently, he asked the Commission to reconsider the denial. In support of his request for reconsideration, he submitted further documentation and appeared before the Commission.

**Applicable Law**

Section 19A-13(a) of the Ethics Law prohibits a former public employee from accepting employment or assisting any party, other than a County agency, in a case, contract, or other specific matter for 10 years after the last date the employee significantly participated in the matter as a public employee. However, Section 19A-8(c) of the Ethics Law also gives the Commission the discretion, after receiving a written request, to waive that prohibition if the Commission finds either: (1) that failing to grant the waiver may reduce the ability of the County to hire or retain highly qualified public employees; or (2) the proposed employment is not likely to create an actual conflict of interest.

**Conclusion and Decision**

After carefully reviewing his request for reconsideration and the documents and statements he has offered in support, the Commission has decided that because the

interests of CTC and the County with respect to the specific services he is to provide are virtually identical, his participation is not likely to create an actual conflict of interest. Therefore, exercising its discretion under §19A-8, the Commission hereby grants a waiver of the ten-year ban and permits him to provide services in the performance of the CTC/Montgomery County cable T.V. engineering consulting services contract on those matters on which he previously significantly participated as a Montgomery County employee.